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6 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
7 AT SEATTLE

8 RAJAKUMARI SUSHEELKUMAR o/b/o  
OMANA AMMA THANKAMMA,

9  
10 Petitioner,

11 v.

12 JASON SIMS, et al.,

13 Respondent.

Case No. C19-1881-JCC-MLP

ORDER STRIKING PETITIONER'S  
REQUEST FOR A TEMPORARY  
RESTRAINING ORDER

14  
15 **I. INTRODUCTION**

16 This matter comes before the Court upon Petitioner's response to the Court's order to  
17 show cause, which includes a request for a temporary restraining order in this habeas petition  
18 brought pursuant to 28 U.S.C. § 2241. (Dkt. # 7.) Rajakumari Susheelkumar brought this petition  
19 on behalf of an elderly and disabled woman, Omana Thankamma, although Ms. Thankamma has  
20 a state court-appointed guardian. (Dkt. # 1.) Petitioner alleges that Ms. Thankamma is being  
21 confined in Harborview Medical Center ("Harborview") and has been denied contact with her  
22 family and friends for nearly five months. (*Id.* at 1.) King County Superior Court apparently  
23 appointed Ms. Thankamma a state court-appointed guardian, Channa Copeland, in November

1 2018. (*Id.* at 2.) For the reasons discussed below, the Court strikes Petitioner’s request for a  
2 temporary restraining order.

## 3 II. DISCUSSION

4 Petitioner submitted her habeas petition on November 19, 2019. (Dkt. # 1.) On November  
5 27, 2019, the Court ordered Petitioner to show cause by December 27, 2019 why this matter  
6 should not be dismissed for a number of apparent deficiencies. (Dkt. # 5.) First, it does not  
7 appear Ms. Thankamma is in custody following a criminal conviction, or that Petitioner is  
8 challenging the validity of any such conviction or sentence, as required for 28 U.S.C. § 2241  
9 petitions. (*Id.* at 2.) Second, it appears that Petitioner is attempting to challenge Harborview’s  
10 failure to grant Ms. Thankamma’s relatives access to her due to a state court order appointing  
11 guardianship, which would be more appropriately brought in the related case, *Jayakrishnan Nair,*  
12 *et al. v. Channa Copeland, et al.*, Case No. C19-1296-MJP, which involves challenges to the  
13 guardianship and includes Rajakumari Susheelkumar as a named Plaintiff and Harborview as a  
14 named Defendant. (*Id.* at 2-3.) Lastly, it is not clear that Petitioner has standing to sue on Ms.  
15 Thankamma’s behalf as it appears her affairs are being handled under a guardianship order with  
16 a duly-appointed guardian. (*Id.* at 3.)

17 On December 27, 2019, Petitioner submitted a response to the Court’s order to show  
18 cause. (Dkt. # 7.) In her response, Petitioner reasserts the allegations regarding Ms. Thankamma  
19 from her habeas petition. (*Id.*) Petitioner seeks to make arrangements to return Ms. Thankamma  
20 to India to be reunited with her family and friends, and to free her from alleged illegal solitary  
21 confinement. (*Id.* at 3.) Petitioner alleges that without a temporary restraining order, she faces  
22 serious, irreversible harm of Ms. Thankamma’s impending death as a result of her alleged  
23 isolation and lack of care from her family. (*Id.* at 35.)

1 The standard for issuing a temporary restraining order is the same as that for a  
2 preliminary injunction. *Stuhlbarg Int’l Sales Co. v. John D. Brush & Co.*, 240 F.3d 832, 839 n.7  
3 (9th Cir. 2001). “A plaintiff seeking a preliminary injunction must establish that he is likely to  
4 succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary  
5 relief, that the balance of equities tips in his favor, and that an injunction is in the public  
6 interest.” *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008). A plaintiff may also  
7 qualify for a preliminary injunction by showing that there are serious questions going to the  
8 merits of his claim and that the balance of hardships tips sharply in his favor, so long as the  
9 irreparable harm and the public interest factors in *Winter* are also met. *Alliance for the Wild*  
10 *Rockies v. Cottrell*, 632 F.3d 1127, 1134-35 (9th Cir. 2011).

11 While the Court is sympathetic to the allegations in Petitioner’s pleadings, the response  
12 fails to correct any of the deficiencies identified in the Court’s order to show cause. Therefore,  
13 there is no viable habeas petition in this matter and Petitioner cannot establish she is likely to  
14 succeed on the merits. The Court notes that Petitioner filed a nearly identical request for a  
15 temporary restraining order in the civil rights matter in *Jayakrishnan Nair, et al. v. Channa*  
16 *Copeland, et al.*, Case No. C19-1296-MJP on the same day she submitted the response to the  
17 Court’s order to show cause. That request for a temporary restraining order contains the same  
18 statement of issues and legal analysis. (*Compare* (Dkt. # 7 at 12-13, 14-30) *with* (*Jayakrishnan*  
19 *Nair, et al. v. Channa Copeland, et al.*, Case No. C19-1296-MJP Dkt. # 40 at 9-10, 10-28).)

### 20 III. CONCLUSION

21 Accordingly, the request for a temporary restraining order which was appended to  
22 Petitioner’s response to the Court’s order to show cause (dkt. # 7) is stricken.  
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1 The Clerk is directed to send copies of this Order to the parties and to the Honorable John  
2 C. Coughenour.

3 Dated this 27th day of December, 2019.

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5 MICHELLE L. PETERSON  
6 United States Magistrate Judge  
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